

## MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 1-5-2023

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 JOHN WAITE, an individual; KASIM  
 SULTON, an individual; SUSAN STRAW  
 HARRIS p/k/a SYD STRAW, an individual;  
 LEONARD GRAVES PHILLIPS, an  
 individual, STAN SOBOL a/k/a STAN LEE, an  
 individual, STEVE WYNN, an individual,  
 DENNIS MEHAFFEY p/k/a DENNIS DUCK,  
 an individual; and DAVID PELLISH p/k/a  
 DAVE PROVOST, an individual; and on behalf  
 of all others similarly situated, :  
 : No. 1:19-cv-01091(LAK)

Plaintiffs,

v.

UMG RECORDINGS, INC.; CAPITOL  
RECORDS, LLC; and DOES 1 through 10,

Defendants.

*Denied*  
 SO ORDERED  
  
 LEWIS A. KAPLAN, USDJ  
*1/5/23*

**DEFENDANT CAPITOL RECORDS, LLC'S  
 NOTICE OF MOTION FOR RECONSIDERATION  
OF SEPTEMBER 12, 2022, ORDER (ECF NO. 239)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendant  
 Capitol Records, LLC ("Capitol") hereby moves this Court before the Honorable Lewis A.  
 Kaplan, United States District Court Judge, Southern District of New York, at the Daniel Patrick  
 Moynihan United States Courthouse located at 500 Pearl Street, New York, NY 10007, pursuant  
 to Local Civil Rule 6.3 of the Local Rules of the United States District Court for the Southern  
 District of New York, for an Order clarifying its September 12, 2022, Order (ECF No. 239).  
 Specifically, Capitol respectfully requests that the Court clarify that Capitol remains entitled to a

trial on the issues of statutory damages and willfulness, and to make an election of damages pursuant to 17 U.S.C. § 504(c)(1) at any time before entry of final judgment.

Dated: New York, New York  
September 26, 2022

Respectfully submitted,

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LLC*